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TAGS: PHUM PREL LO HU

SUBJECT: BALANCING THE UNBALANCEABLE: VOLLEBAEK'S EFFORTS TO MONITOR SLOVAK LANGUAGE LAW

REF: A) BRATISLAVA 14 AND PREVIOUS B) 09 BRATISLAVA 176

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REASON: 1.4 (b), (d)

¶1. (C) Summary: OSCE High Commissioner on National Minorities Knut Vollebaek visited Bratislava on February 8 to meet with Slovak officials and minority representatives to discuss the implementation phase of the newly-amended Slovak State Language Act (ref a). Although Vollebaek told members of Bratislava's diplomatic corps that he does not like the law and personally opposes fines, he stressed that it is consistent with international standards. He believes the implementation guidelines which the Slovak government passed in December will help to clarify the implementation of the law, specifically with respect to the application of sanctions. In short, Vollebaek's visit was a PR victory for the Fico Government, but whether the Slovak Government can keep the genie in the bottle, eluding provocations to enforce the law to its full extent, remains doubtful. End Summary.

¶2. (C) In Bratislava, Vollebaek met with President Gasparovic, Prime Minister Fico, Foreign Minister Lajcak, Culture Minister Madaric, Hungarian Coalition Party (SMK) Chairman Pal Csaky, and Bela Bugar, chairman of the newly-created SMK splinter party Most-Hid. Vollebaek also spoke at a Slovak Foreign Policy Association (SFPA) event, and attended dinner at the Norwegian Ambassador's house with several members of the diplomatic corps.

Following his meeting with Vollebaek, FM Lajcak stated that he expects Budapest to stop spreading lies and misinformation.

Lajcak characterized Hungarian PM Bajnai's recently-announced "language fund," which will provide 185,000 euros to a consortium of ethnic-Hungarian NGOs in Slovakia to pay the legal costs and fines for ethnic Hungarians who are censured under the Slovak language law, as an "unorthodox construct" about which he was also seeking the European Commission's opinion. SMER MP and Chair of the Parliamentary Foreign Affairs Committee, Juraj Horvath, condemned the fund, as it "disrespects the work of the Commissioner and the existing cooperation between Bratislava and Budapest."

¶3. (C) Vollebaek told members of the local diplomatic corps that Budapest's move was at the very least "foolish and malicious," if not a violation of international law. Vollebaek argued that the Hungarians, by offering to cover fines, are encouraging their "kin" to violate the laws of the country in which they live. In his talk at the SFPA, and elsewhere in his visit, Vollebaek underlined that the Slovak government's desire to pass an amendment to the language law is an internal matter. He also said that it is the duty of states with large populations outside of their borders to support their ethnic minority's rights, but to do so in a way that does not provoke neighbors.

Ethnic Hungarians Still Disappointed

¶4. (C) After Vollebaek met with members of the SMK, Chairman Csaky publicly stated that, "it is a silly law" and vowed to draft a bill on the use of minority languages by the end of March for Vollebaek's review. Privately, Csaky told Charge on February 10 that he found Vollebaek's messages to be "two-faced and vague." Csaky also said that Vollebaek put too much trust in the "neo-Bolsheviks" in the Slovak government. Csaky acknowledged that Bajnai's language fund, which he said SMK did not support, was a bad idea motivated by Bajnai's desire to show Fico he too can play hardball. Csaky observed that the language law is not being implemented aggressively, and compared it to the Slovak press law, which caused great outcry upon its passage in April 2008 (ref b), but has not been widely used (PM Fico's December 2009 reply to a leading daily SME commentary being the most notable exception.)

Implementation Guidelines Are Good

¶5. (C) Vollebaek told the diplomatic corps that he is proud of the role he played in getting the Slovaks to issue their twenty-one implementing guidelines -- and he thinks they are both significant and useful. While he recognizes that the Hungarians view them as too general and not restrictive enough, Vollebaek and his staff argue that they accomplish exactly what was intended. In the first instance, they require the Slovaks -- if they want to enforce the law -- to identify which of the guidelines are being violated. Second, a fine could only be leveled after a series of warnings, giving the alleged violator ample opportunity to correct the problem. This has the added advantage of delaying the possibility of controversial fines and the ensuing uproar and tension.

¶6. (C) Vollebaek said the Slovaks also told him (as they did us) that the Culture Ministry was not rushing to fill the "language law monitor" jobs that were to be created to implement and enforce the new law. Vollebaek said Fico wants to avoid the international scrutiny that would follow any fines or other aggressive enforcement measures, particularly in the run-up to the June elections. However, it will be interesting to see to

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what extent Fico and the government can keep a lid on the things; die-hard supporters of the law, e.g., SNS members, as well as ethnic Hungarians and other opponents of the law, may have other ideas. On February 10, civic activist Ondrej Dostal, for example, who has been a vocal critic of the law, staged a minor act of civil disobedience in front of the Culture Ministry by brandishing a sign in English only that read "Bridget, I Love You, Mark." Dostal's organization plans to continue to violate the law in a similar manner, report the violations to the Ministry, refuse to pay any consequent fines, and then appeal to the courts.

Comment: Balancing the Unbalanceable

¶7. (C) Vollebaek's visit to Bratislava was a public relations victory for the Fico administration. Vollebaek again publicly confirmed that the amended language law does not violate Slovakia's human rights commitments, and welcomed the implementing guidelines. While Vollebaek stated that he did not think the law was good (and on several occasions said he was personally opposed to fines), he characterized much of the criticism of the law as "exaggerated and misleading."

¶8. (C) Vollebaek, in his SFPA talk, which had a more broad focus about his mandate and was entitled "Balancing the Unbalanceable," said the ideal language policy both guarantees access to education in one's mother tongue and also encourages the use of the majority language for successful social cohesion. In a word: bilingualism. From our perspective, in most parts of Slovakia with substantial Hungarian minority populations this is the reality. Unfortunately, the Slovak government has chosen to exercise its sovereign right to promote the state language in a way that has set off alarm bells in Hungary and made some members of the ethnic-Hungarian minority feel targeted. In this climate, the goals of promoting bilingualism and national

cohesion will indeed seem "unbalanceable" rather than complementary.

¶9. (C) As for PM Fico's stated goal of avoiding additional controversy related to the law, we are frankly doubtful that it is within his power. The real question is not whether nationalists, ethnic Hungarians or civic activists will try to test the law in potentially provocative ways, but rather how the Slovak government will react.

EDDINS